

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

VICKY RODRIGUEZ TORRES, ET AL  
PLAINTIFFS

v.

GOVERNMENT DEVELOPMENT BANK, ET  
AL  
DEFENDANTS

CIVIL NO. 09-1151 (JP)

Taxation of Costs

**ORDER**

On February 23, 2010, the Court entered a judgment in favor of Defendants and against Plaintiffs (Docket No. 267). Plaintiffs Vicky Rodríguez Torres, Luis Rafael Maldonado Vaillant, and their conjugal partnership filed a notice to appeal on March 9, 2010 (Docket 270). Defendants Government Development Bank, Marine Comas Torres, Edgardo Rodríguez Nieves, Javier Ramos Luiña, Enid López López, Luis I. Alfaro Martínez, Ángel Pérez Rivera and Naphis Torres Padró in his official capacity (hereinafter referred to as “defendants”) moved for taxation of costs on March 9, 2010 (Docket No. 271).

“It is often sound policy ... to wait until a controversy is finally decided on the merits before awarding costs, and to then determine who is the ‘prevailing party’, instead of judging that issue piecemeal at each stage of the litigation.” Furman v. Cirrito, 782 F.2d 353, 355-56 (2<sup>nd</sup> Cir. 1986). Thus, a district court “may wait until a judgment is affirmed on appeal before awarding costs.” O’Ferral v. Trebol Motors Corp., 45 F.3d 561, 564 (1<sup>st</sup> Cir. 1995), citing 10 C. Wright & A. Miller, Federal Practice and Procedure § 2668, at 212 (2d Ed. 1983). Once the court of appeals has issued its mandate, the prevailing party has 14 days to re-file its motion for costs. L.Cv.R. 54(b). Vazquez-Diaz v. Hernandez-Arencibia, 2010 U.S. Dist. LEXIS 28380 (D.P.R. 2010).

WHEREFORE, all premises considered, Defendants’ application for taxation of costs is denied without prejudice. Once judgment on appeal is entered and the appellate mandate becomes final, the prevailing party may file a bill of costs for adjudication by the Clerk. Fed. R. App. P. 39; Fed. R. Civ. P. 54(d); L.Cv.R. 54(b).

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 8<sup>th</sup> day of November, 2010.

FRANCES RIOS DE MORAN  
CLERK OF COURT

s/Jorge Soltero Palés  
Jorge Soltero Palés, Esq.  
Staff Attorney